

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

2013 MAY -1 AM 10:33

PEARL GASQUE,

Plaintiff

v.

PORFOLIO RECOVERY
ASSOCIATES, LLC

Defendant

CLERK'S OFFICE
APRIL 2013
EX-13-CV-1295

JKB 13 CV 1295

NOTICE OF REMOVAL

To: Clerk - United States District Court for the
District of Maryland, Northern Division

PLEASE TAKE NOTICE THAT, on this date, Defendant Portfolio Recovery
Associates, LLC ("PRA"), pursuant to 28 U.S.C. § 1441(b) and 28 U.S.C. § 1331, hereby
removes the above captioned matter to this Court from the Circuit Court of Maryland for
Baltimore City. In support thereof, PRA avers as follows:

1. On or about March 13, 2013, Plaintiff filed a Complaint in the Circuit Court of Maryland for Baltimore City, at case number 03-C-001428. (A true and correct copy of Plaintiff's Complaint is attached hereto and marked as Exhibit "A").
2. PRA was served with Plaintiff's Complaint on April 2, 2013.
3. Plaintiff's Complaint alleges that PRA violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* by allegedly filing a collection complaint without sufficient proof of ownership of Plaintiff's defaulted consumer debt. See Plaintiff's Complaint, Count I.

4. Based on the foregoing, PRA has timely filed this Notice of Removal within thirty days of being served with the Complaint and within thirty days of the date that the Action was first removable. See 28 U.S.C. § 1446(b).

5. This case is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by PRA pursuant to the provisions of 28 U.S.C. § 1441(b), in that Plaintiff has alleged, *inter alia*, that PRA violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*, thereby asserting claims that arise under federal law.

6. In that the causes of action alleged by Plaintiff arise from the performance of obligations of the parties within Baltimore City, Maryland, the United States District Court for the District of Maryland, Northern Division, should be assigned the Action.

7. PRA, upon filing this Notice of Removal in the office of the Clerk of the United States District Court for the District of Maryland, Northern Division, has also caused to be filed copies of this Notice with the Clerk of Court for the Circuit Court of Maryland for Baltimore City to effect removal of this action pursuant to §1446(d). See Exhibit "B".

WHEREFORE, Defendant Portfolio Recovery Associates, LLC hereby notifies this Honorable Court that this action is removed from the Circuit Court of Maryland for Baltimore City to the United States District Court for the District of Maryland, Northern Division, pursuant to the provisions of 28 U.S.C. §§1331, and 1446.

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN, P.C.**

By:


LAUREN M. BURNETTE, ESQUIRE
Attorney No. 29597
4200 Crums Mill Road, Suite B
Harrisburg, PA 17112
(717) 651-3703
lburnette@mdwcg.com
Counsel for Defendant

Dated: 4/30/13

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

PEARL GASQUE,

Plaintiff

v.

**PORFOLIO RECOVERY
ASSOCIATES, LLC,**

Defendant

No.

PROOF OF MAILING

I hereby certify that on April 30, 2013, the original of the within Notice of Removal was sent to the Clerk of the United States District Court for the District of Maryland, Civil Division, to be filed and that a copy of the same was forwarded to the following interested persons as follows:

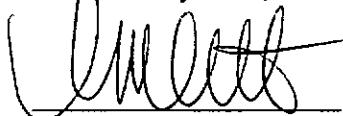
NAME AND ADDRESS

| | |
|--------------------------------------|----------------------------------|
| E. David Hoskins, Esquire | Clerk |
| Max F. Brauer, Esquire | Circuit Court for Baltimore City |
| Law Offices of E. David Hoskins, LLC | 111 N. Calvert St. |
| Quadrangle Building at Cross Keys | Baltimore, MD 21202 |
| 2 Hamill Road, Suite 362 | |
| Baltimore, MD 21210 | |

VERIFICATION

I certify that the foregoing statements made by me are true. I understand that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

By:



LAUREN M. BURNETTE, ESQUIRE
Counsel for Defendant

Dated: 4/30/13